

GENERAL ASSEMBLY OF NORTH CAROLINA



SPECIAL PROVISIONS GENERAL GOVERNMENT REPORT

APRIL 19, 2011

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SPECIAL PROVISION



2011-ADMIN-H1

Department of Administration
Appropriations Subcommittee on General Government

Requested by: Representative

**STATE ENTITIES TO USE MAIL SERVICE CENTER AND AGENCY FOR PUBLIC
TELECOMMUNICATIONS**

SECTION #.(a) G.S. 143-341(8) reads as rewritten:

"(8) General Services:

...

g. To establish and operate a mail service center that shall be used by all State ~~agencies other than the Employment Security Commission,~~ agencies, departments, and institutions, including the University of North Carolina System, and in connection therewith and in the discretion of the Secretary, to do all things necessary in connection with the maintenance of the mail service center. The Secretary shall allocate and charge against the respective departments and agencies their proportionate parts of the cost of the maintenance of the mail service center. The Secretary shall develop a plan for the efficient operation of the center that meets the needs of State agencies, ensures timely delivery of mail, and ensures no loss of federal funds. The Employment Security Commission shall not be required to use the mail service center established by this sub-subsection.

..."

SECTION #.(b) Part 22 of Article 9 of Chapter 143B is amended by adding a new section to read:

"§ 143B-426.11A. Use of Agency for Public Telecommunications required.

Notwithstanding any other provision of law, the Agency for Public Telecommunications, shall be the primary party with whom all State agencies, departments, and institutions, including the University of North Carolina System, may contract for media placement and the creation of the media to be placed. Agencies, departments, and institutions may use another party only if the Agency for Public Telecommunications determines that the Agency for Public Telecommunications cannot fulfill the agency's, department's, or institution's needs. Any contract entered into contrary to the provisions of this section is voidable at the discretion of the Governor and the Council of State."

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2011-ADMIN-H4

Department of Administration
Appropriations Subcommittee on General Government

Requested by: Representative

**TRANSFER OF NC HUMAN RELATIONS COMMISSION FROM DEPARTMENT OF
ADMINISTRATION TO OFFICE OF ADMINISTRATIVE HEARINGS**

SECTION #.(a) The North Carolina Human Relations Commission created pursuant to G.S. 143B-391, other than the administration of the Martin Luther King, Jr. Commission created pursuant to G.S. 143B-426.34A, is hereby transferred by a Type I transfer, as defined in G.S. 143A-6, from the Department of Administration to the Office of Administrative Hearings.

SECTION #.(b) G.S. 143B-391 reads as rewritten:

"§ 143B-391. North Carolina Human Relations Commission – creation; powers and duties.

There is hereby created the North Carolina Human Relations Commission of the ~~Department of Administration~~Office of Administrative Hearings. The North Carolina Human Relations Commission shall have the following functions and duties:

...

(7) To receive on behalf of the ~~Department of Administration~~Office of Administrative Hearings and to recommend expenditure of gifts and grants from public and private donors;

...

(10) To advise the ~~Secretary of Administration~~Director of the Office of Administrative Hearings upon any matter the ~~Secretary~~Director may refer to it;

...."

SECTION #.(c) G.S. 143B-392 reads as rewritten:

"§ 143B-392. North Carolina Human Relations Commission – Members; selection; quorum; compensation.

(a) The Human Relations Commission of the ~~Department of Administration~~Office of Administrative Hearings shall consist of 22 members. The Governor shall appoint one member from each of the 13 congressional districts, plus five members at large, including the chairperson. The Speaker of the North Carolina House of Representatives shall appoint two members to the Commission. The President Pro Tempore of the Senate shall appoint two members to the Commission. The terms of four of the members appointed by the Governor shall expire June 30, 1988. The terms of four of the members appointed by the Governor shall expire June 30, 1987. The terms of four of the members appointed by the Governor shall expire June 30, 1986. The terms of four of the members appointed by the Governor shall expire June 30, 1985. The terms of the members appointed by the Speaker of the North Carolina House of Representatives shall expire June 30, 1986. The terms of the members appointed by the Lieutenant Governor shall expire June 30, 1986. The initial term of office of the person appointed to represent the 12th Congressional District shall commence on January 3, 1993, and expire on June 30, 1996. At the end of the respective terms of office of the initial members of

1 the Commission, the appointment of their successors shall be for terms of four years. No
2 member of the commission shall serve more than two consecutive terms. A member having
3 served two consecutive terms shall be eligible for reappointment one year after the expiration
4 of his second term. Any appointment to fill a vacancy on the Commission created by the
5 resignation, dismissal, death, or disability of a member shall be filled in the manner of the
6 original appointment for the unexpired term.

7 ...

8 (d) All clerical and support services required by the Commission shall be supplied by
9 the ~~Secretary of the Department of Administration~~Director of the Office of Administrative
10 Hearings."

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2011-ADMIN-H2A

Department of Administration
Appropriations Subcommittee on General Government

Requested by: Representative

1 ***DOMESTIC VIOLENCE CENTER FUNDS***

2 **SECTION #.** The Department of Administration, in administering the Domestic
3 Violence Center Fund, G.S. 50B-9, shall adhere to the requirements of the law, and shall not
4 limit the number of grantees that are eligible in each county, or by any other geographic
5 limitation. Every domestic violence center that was in operation by the preceding July 1st,
6 offers the services described in the statute, and is a nonprofit corporation or a local government
7 entity shall receive an amount that is equal to that received by all other grantees of the Fund.

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2011-ADMIN-H5

Department of Administration
Appropriations Subcommittee on General Government

Requested by: Representative

***USE OF CAPITAL PROJECT CONTINGENCY FUNDS TO INCREASE THE SPEED
AND EFFICIENCY OF THE STATE CONSTRUCTION OFFICE***

SECTION #.(a) Contingency reserve funds appropriated for capital improvement projects that are subject to the Department of Administration's review authority under G.S. 143-341(3)a. shall be placed in a statewide capital reserve administered by the Office of State Budget and Management to ensure optimal management and administration of funds needed for new construction and repairs and renovations projects.

Notwithstanding any other provision of law, upon a request of the administration of a State agency, and after consultation with the Office of State Construction, the Director of the Budget may, when it is in the best interest of the State to do so, allocate funds from the reserve to the requesting agency to be used for any of the purposes for which contingency funds may permissibly be used. Under no circumstances, may funds disbursed from the statewide capital reserve be used for a capital improvement project not previously authorized by the General Assembly.

SECTION #.(b) Each fiscal year of the biennium, the Director of the Budget may reallocate a portion of the funds deposited in the reserve not to exceed \$875,000 in any fiscal year to the State Construction Office in the Department of Administration to be used to support the staffing needs of the Office in connection with carrying out its design and plan review, construction, building code compliance, inspection, and related duties imposed by G.S. 143-341(3) and other sections of the General Statutes to ensure timely and complete responses in an effort to reduce the need for the use of contingency fees.

SECTION #.(c) This section is effective when it becomes law and applies to all open and active capital improvement projects, regardless of the source of funds.

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2011-CULRES-H2

Department of Cultural Resources
Appropriations Subcommittee on General Government

Requested by: Representative

TRANSPORTATION MUSEUM SPECIAL FUND

SECTION #. Article 1 of Chapter 121 of the General Statutes is amended by adding a new section to read:

"§ 121-7.6. North Carolina Transportation Museum special fund.

(a) Fund established. – The North Carolina Transportation Museum Fund is created as a special interest-bearing, non-reverting enterprise fund in the Department of Cultural Resources. The Fund shall be used to pay all costs associated with the operation and maintenance of the North Carolina Transportation Museum.

(b) Monies credited to the fund. – Notwithstanding Chapter 146 of the General Statutes, all receipts derived from the lease, rental, or other disposition of structures or products of the land, as well as all admissions and fees, gifts, donations, grants, and bequests shall be credited to the Fund. The Fund shall be credited with interest by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3.

(c) Emergency reserve. – The Department of Cultural of Resources shall establish, out of existing unobligated funds including lapsed salaries and unobligated special funds, an emergency reserve fund in the amount of three hundred thousand dollars (\$300,000). Any use of the emergency reserve will require reimbursement from museum receipts.

(d) Audit. – The Fund shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes. The Fund shall reimburse the State Auditor for the cost of any audit."

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2011-CULRES-H3

**Department of Cultural Resources
Appropriations Subcommittee on General Government**

Requested by: Representative

1 ***TRYON PALACE FUNDING***

2 **SECTION #.** Beginning with the 2013-2014 fiscal year, the Tryon Palace
3 Commission shall be self-supporting.

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2011-GA-H1

General Assembly
Appropriations Subcommittee on General Government

Requested by: Representative

PED STUDYING ADMINISTRATION OF STATE ATTRACTIONS

2 **SECTION #.** The Program Evaluation Division shall study and review State
3 operations considered attractions in the state, such as State Historic Sites, Museums, State
4 Parks, Aquariums and the North Carolina Zoo, and recommend whether administration of such
5 attractions can be consolidated in one Department or administrative unit. The Program
6 Evaluation Division shall report its findings by March 30, 2012, to the full chairs of the House
7 of Representatives and Senate Appropriations Committees, the chairs of the House of
8 Representatives Appropriations Subcommittee on General Government, the chairs the Senate
9 Appropriations Committee on General Government and Information Technology, and the
10 Fiscal Research Division.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2011-INS-H2

Department of Insurance
Appropriations Subcommittee on General Government

Requested by: Representative

1 ***PERMISSABLE USE OF INSURANCE REGULATORY FUND***

2 **SECTION #.** The Department of Insurance shall not expend funds from the
3 Insurance Regulatory Fund created under G.S. 58-6-25 for any purpose other than to reimburse
4 the General Fund for appropriations from that fund to the Department.

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2011-INS-H3

Department of Insurance
Appropriations Subcommittee on General Government

Requested by: Representatives Cleveland, Folwell

1 ***NO BUDGET REDUCTION FOR CERTAIN STATE FIRE PROTECTION GRANT FUND***
2 ***RECIPIENTS***

3 **SECTION #.** Notwithstanding any other provision of this act, there shall be no
4 reduction in funding under G.S. 58-85A-1 during the 2011-13 biennium for local fire districts
5 and political subdivisions of the State that receive grant funding of one thousand dollars
6 (\$1,000) or less under that statute.

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2011-OAH-H1

Office of Administrative Hearings
Appropriations Subcommittee on General Government

Requested by: Representative

ACCESS TO REGISTER AND CODE

SECTION #. G.S. 150B-21.24 reads as rewritten:

"§ 150B-21.24. Access to ~~Register and Code~~. Register.

(a) ~~Register.~~—The Codifier of Rules shall make available the North Carolina Register on the Internet at no charge. Upon request the Codifier shall provide a free copy of the current volume of the Register to ~~any person who receives a free copy of the North Carolina Administrative Code or any member of the General Assembly.~~

(b) ~~Code.~~—The Codifier of Rules shall make available the North Carolina Administrative Code on the Internet at no charge. The Codifier shall distribute copies of the North Carolina Administrative Code as soon after publication as practical, without charge, to the following:

- (1) ~~One copy to the board of commissioners of each county that specifically requests a printed copy, to be placed at the county clerk of court's office or at another place selected by the board of commissioners. The Codifier of Rules is not required to provide a copy of the Administrative Code to any board of county commissioners unless a request is made.~~
- (2) ~~One copy to the Commission.~~
- (3) ~~One copy to the Clerk of the Supreme Court and to the Clerk of the Court of Appeals of North Carolina.~~
- (4) ~~One copy to the Supreme Court Library and one copy to the library of the Court of Appeals.~~
- (5) ~~One copy to the Administrative Office of the Courts.~~
- (6) ~~One copy to the Governor.~~
- (7) ~~One copy to the Legislative Services Commission for the use of the General Assembly.~~
- (8) ~~Repealed by Session Laws 2002-97, s. 1, effective August 29, 2002.~~
- (9) ~~One copy to the Division of State Library of the Department of Cultural Resources pursuant to G.S. 125-11.7."~~

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2011-SBE-H1

State Board of Elections
Appropriations Subcommittee on General Government

Requested by: Representative

1 ***NO EXPENDITURE OF HAVA TITLE II FUNDS FOR FEDERAL FY 2012***

2 **SECTION #.** The State Board of Election shall not expend any Help America Vote
3 Funds (HAVA) Title II Funds for federal FY 2012. The State Board of Elections shall return
4 any such unexpended funds for federal FY 2012 to the Elections Assistance Commission,
5 including any interest on the unexpended funds.

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2011-CONT-H1

Department of State Controller
Appropriations Subcommittee on General Government

Requested by: Representative

1 **OVERPAYMENTS AUDIT**

2 **SECTION #.(a)** During the 2011-2013 biennium, receipts generated by the
3 collection of inadvertent overpayments by State agencies to vendors as a result of pricing
4 errors, neglected rebates and discounts, miscalculated freight charges, unclaimed refunds,
5 erroneously paid excise taxes, and related errors as required by G.S. 147-86.22(c) are to be
6 deposited in the Special Reserve Account 24172.

7 **SECTION #.(b)** For each year of the 2011-2013 biennium, five hundred thousand
8 dollars (\$500,000) of the funds transferred from the Special Reserve Account 24172 shall be
9 used by the Office of the State Controller for data processing, debt collection, or e-commerce
10 costs.

11 **SECTION #.(c)** All funds available in the Special Reserve Account 24172 on July
12 1 of each year of the 2011-2013 biennium are transferred to the General Fund on that date.

13 **SECTION #.(d)** Any unobligated funds in the Special Reserve Account 24172 that
14 are realized above the allowance in subsection (b) of this section are subject to appropriation by
15 the General Assembly.

16 **SECTION #.(e)** The State Controller shall report quarterly to the Joint Legislative
17 Commission on Governmental Operations and the Fiscal Research Division on the revenue
18 deposited into the Special Reserve Account 24172 and the disbursement of that revenue.

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2011-TREAS-H1

Department of State Treasurer
Appropriations Subcommittee on General Government

Requested by: Representative

LOCAL GOVERNMENT UNIT POSITIONS

SECTION #.(a) G.S. 105-501(b) reads as rewritten:

"(b) Deductions. – The costs incurred by the State to provide the functions listed in this subsection that support local governments are deductible from the collections to be allocated each month for distribution.

(1) The Department's cost of the following for the preceding month must be deducted and credited to the Department:

- a. ~~Performing the duties imposed by Article 15 of this Chapter.~~The Local Government Division.
- b. The Property Tax Commission.

(1a) The Department of State Treasurer's costs for personnel and operations of the Local Government Commission.

(2) One-twelfth of the costs of the following for the preceding fiscal year must be deducted and credited to the General Fund:

- a. The School of Government at the University of North Carolina at Chapel Hill in operating a training program in property tax appraisal and assessment.
- b. The personnel and operations provided by the Department of State Treasurer for the Local Government Commission.
- c. Seventy percent (70%) of the expenses of the Department of Revenue in performing the duties imposed by Article 2D of this Chapter."

SECTION #.(b) G.S. 105-501(b), as rewritten by subsection (a) of this section, reads as rewritten:

"(b) Deductions. – The costs incurred by the State to provide the functions listed in this subsection that support local governments are deductible from the collections to be allocated each month for distribution.

(1) The Department's cost of the following for the preceding month must be deducted and credited to the Department:

- a. The Local Government Division.
- b. The Property Tax Commission.

(1a) The Department of State Treasurer's costs for personnel and operations of the Local Government Commission.

(2) One-twelfth of the costs of the following for the preceding fiscal year must be deducted and credited to the General Fund:

- a. The School of Government at the University of North Carolina at Chapel Hill in operating a training program in property tax appraisal and assessment.

- 1 b. ~~The personnel and operations provided by the Department of State~~
2 ~~Treasurer for the Local Government Commission.~~
3 c. Seventy percent (70%) of the expenses of the Department of
4 Revenue in performing the duties imposed by Article 2D of this
5 Chapter."
6

SECTION .(c) Subsection (b) of this section takes effect July 1, 2012.

